

Subpart F—Hazardous and Toxic Materials Management**GENERAL****§ 650.121 Purpose.**

The provisions contained in this chapter implement the requirements of the Atomic Energy Act, as amended; the Energy Reorganization Act of 1974 and the Clean Air Act, as amended; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act (FEPCA) of 1972; the Federal Water Pollution Control Act (FWPCA), as amended; the Marine Protection, Research and Sanctuaries Act of 1973 (MPRSA)—Ocean Dumping; the Solid Waste Disposal Act (SWDA), as amended and the Toxic Substances Control Act of 1976. Detailed guidance on oil and hazardous liquid substances spill prevention and contingency plans appears in subpart I of this part.

§ 650.122 Goal and objectives.

The Department of the Army (DA) goal is to control hazardous and toxic materials to minimize hazards to health and damage to the environment. The following objectives are necessary to achieve this goal:

(a) All material developed and procured by the Army is to be designed to minimize health and environmental hazards during research, development, testing, production, use, storage, and disposal.

(b) Limit, to the extent practicable, the use of toxic and/or hazardous materials, and employ procedures which provide maximum safety during storage, use, and disposal when less toxic or hazardous substitutes are not available.

(c) Develop safe and environmentally acceptable methods for the storage and disposal of materials which are inherently hazardous or potentially dangerous due to the quantities involved.

(d) Provide properly trained personnel for the management, use, storage, and disposal of hazardous and toxic materials.

§ 650.123 Explanation of terms.

(a) *Certification.* The recognition by a certifying agency that a person is com-

petent and thus authorized to use and supervise the use of restricted use pesticides.

(b) *Certified applicator.* Any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification.

(c) *Class 1 disposal site.* The location (e.g., sanitary landfill) where any final deposition of hazardous or toxic waste, after proper processing, may occur. Such a facility complies with EPA guidelines for the disposal of solid wastes as prescribed in 40 CFR part 241.

(d) *Disposal.* To abandon, deposit, inter or otherwise discard waste as a final action after its use has been achieved, a use is no longer intended, or its use has been declared excess, suspended or cancelled.

(e) *Effluent standard.* A State or Federal effluent standard or limitation to which a discharge is subject under the FWPCA amendments of 1972, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards. This includes a prohibition of any discharge established, for any toxic pollutant described in 307(a) of the FWPCA as amended.

(f) *General use pesticide.* Pesticide for general public use not EPA Restricted Use Pesticide listing.

(g) *Hazardous and toxic material management.* For environmental purposes, the systematic and purposeful control over the production, procurement, storage, handling, use, and disposal of materials or substances which are either hazardous to life because of their inherent toxicity or a potential danger because of the quantities involved.

(h) *Hazardous substance.* An element or compound or mixture (other than oil as covered in subpart I of this part) which, when discharged in any quantity into or upon the navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shoreline, and beaches, e.g., hazardous substances include some strong acids, strong bases, organic solvents, certain metals and their compounds, other strong oxidizers, or other bulk-stored chemicals used in manufacturing processes

and maintenance or repair operations. (Designation of and determination of removability of hazardous substances will be addressed in 40 CFR part 116).

(i) *Hazardous waste.* Any waste or combination of wastes which, if not effectively controlled, poses a potential hazard to human health or living organisms because they are nondegradable, persistent in nature, lethal, or may otherwise cause or tend to cause detrimental cumulative effects. Such materials include wastes which are corrosive, flammable, toxic, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means.

(j) *Ocean dumping.* The disposal of hazardous or toxic materials (including pesticides, pesticide containers, pesticide-related wastes, other hazardous chemical stocks, pharmaceutical stocks of drugs, radioactive materials, explosive ordnance or chemical warfare agents) in or on the oceans and seas as defined in the MPRSA (Pub. L. 92-532).

(k) *Open burning.* The disposal by burning of hazardous or toxic materials or their wastes in any fashion other than by incineration in an approved hazardous waste incinerator.

(l) *Open dumping.* The placing of hazardous or toxic materials or their wastes in a land site in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(m) *Pest.* Includes, but is not limited to, any insect, rodent, nematode, fungus, weed, or any form of plant or animal life or virus, bacterial organism or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other animals) which is normally considered to be a pest or which the Army may declare to be a pest in accordance with public law or national policy.

(n) *Pest management.* Pest control in which one or more control methods are selected for use in an integrated program that incorporates a series of alternative control strategies including parasites, predators, pathogens, cultural practices and chemicals, to achieve economic pest control with least disruption of the environment.

(o) *Pesticide.* Any substance or mixture of substances intended for pre-

venting, destroying, repelling, attracting, or mitigating any pest and any substances or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(p) *Pesticide-related wastes.* All pesticide-containing wastes or pesticide-containing by-products which are to be discarded, but which, pursuant to acceptable pesticide manufacturing or processing operations, are not ordinarily a part of or contained within an industrial waste stream discharged into a sewer or the waters of a State.

(q) *Processing.* To neutralize, detoxify, incinerate, biodegrade, or otherwise treat a hazardous or toxic waste to remove its harmful properties or characteristics for disposal.

(r) *Restricted use pesticide.* A pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 *et seq.*) and other legislation supplementary thereto and amendatory itself.

(s) *Soil injection.* The emplacement of hazardous or toxic materials or their wastes by ordinary tillage practices within the plow layer of a soil.

(t) *Toxicity.* The property of a substance or mixture of substances to cause any adverse physiological effects on any of the biological mechanisms of an organism.

(u) *Toxic pollutant.* Pollutants or combinations of substances (including disease-causing agents) which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism—either directly from the environment or indirectly by ingestion through food chains—will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring. (A list of toxic pollutants will be given in 40 CFR part 129).

(v) *Waste.* Any material for which no use or re-use is intended and which is to be discarded.

(w) *Water dumping.* The disposal of hazardous or toxic materials or their wastes in or on lakes, ponds, rivers,

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sewers, or other water systems as defined in the FWPCA (33 U.S.C. 1251 *et seq.*)

§ 650.124 Policies.

The Department of the Army will—

(a) Exercise positive management over the research, development, procurement, production, use, handling, storage and disposal of hazardous and toxic material. Priority will be given to instituting measures required to protect health or control pollution.

(b) Comply with environmental quality policies and procedures specified in this regulation and those standards established by the applicable Federal, State, interstate, or local authority for the control of hazardous and toxic materials and substances.

(c) Use nonhazardous or nontoxic materials to the extent practicable.

(d) Conserve resources and, to the extent practicable, dispose of hazardous and toxic materials and waste by re-processing, recycling, and/or re-using.

(e) Program and budget sufficient resources for the effective management and environmental control of pesticides, hazardous chemical stocks, pharmaceuticals, radioactive materials, explosives, and chemical agents in accordance with DA regulations and in consonance with any other applicable Federal, State, or local objectives.

(f) Conform with Federal regulations and guidelines respecting pesticides, promulgated pursuant to the provisions of FIFRA as amended, (§§ 650.126 through 650.129).

(g) Acquire and use only those pesticides registered with the Environmental Protection Agency (EPA) (§ 650.126(a)).

(h) Monitor for the residual effects of pesticides on military installations in furtherance of the National Pesticide Monitoring Program.

(i) Conform with applicable Federal regulations, standards, and guidelines promulgated and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011), Energy Reorganization Act of 1974, or by EPA on discharges of radioactivity. This restriction does not apply to emergency operations conducted by Explosive Ordnance Disposal or Technical Escort personnel (§§ 650.139, 650.140 and 650.141).

(j) Prohibit the disposal (by open dumping, water dumping, well injection, or open burning) of pesticides, hazardous chemical stocks, pharmaceutical stocks and drugs, radioactive materials, explosive ordnance, or chemical warfare agents directly into the air, water, or land environment in a manner hazardous to man or animals or if it will cause unreasonable adverse effects on the environment (§ 650.127(f)).

(k) Conform with Federal regulations and guidelines respecting dumping of material into ocean waters in accordance with the MPRSA and the FWPCA as amended.

(l) In the absence of published national standards, guidance on acceptable methods and maximum concentrations pertaining to the use, storage, discharge or disposal of hazardous and toxic substances are to be referred through Major command headquarters to the USA Health Services Command.

(m) Comply fully with the DOD Pest Management program.

§ 650.125 Responsibilities.

(a) Department of the Army Staff.

(1) The Inspector General and Auditor General will—(i) Exercise primary Army Staff responsibility for overall supervision of Army safety program activities as established by AR 385-10.

(ii) Provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Ensure that Required Operational Capability (ROC) documentation for new material involving potentially hazardous materials requires that safe and environmentally acceptable methods for storage and disposal of these materials be developed or included as part of procurement specifications.

(ii) Provide single DA contact point for all chemical warfare activities including demilitarization and disposal.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will ensure that all materiel developed by the Army is designed to minimize health and environmental hazards during research and development, production, testing, storage, use and disposal.